

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Jean Pierre Orlewicz**
Docket No. **285672**
L.C. No. **07-023972 FC**

William B. Murphy, Chief Judge, acting under MCR 7.211(E)(2), orders:

The "Motion Requesting the Court to Consider a Third Option to Resolve the Split on the Panel" is DENIED.

MCR 7.201(D) provides in pertinent part that "the decision of a majority of judges of a panel in attendance at the hearing is the decision of the court." The court rule speaks in terms of a *decision* (in the singular), not decisions of the majority. So, unlike MCL 600.313, the court rule does not authorize the issuance of two separate opinions that disagree on the proper disposition of the appeal by the case call panel. The authority to determine rules of practice and procedure rests exclusively with the Supreme Court. Const 1963, art 6, § 5; *McDougall v Schanz*, 461 Mich 15; 597 NW2d 148 (1999). This matter is purely procedural and pertains only to the administration of the courts; therefore, MCR 7.201(D) controls.

The parties shall have seven days from the certification of this order to direct the Clerk of Court as to whether they agree to the selection of a new third judge to participate in a decision in the case after listening to the audio recording of oral arguments or, absent such agreement, the case should be adjourned from the September 2010 panel and re-assigned to a new case call panel in the future.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 11 2011

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Chief Clerk